IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

CRL.A.No. 493 of 2002()

CC.532/1998 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD

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APPELLANT: COMPLAINANT

M.S.RAI,S/O.I.M.RAI,PROP;GURUDATHA
FINANCE CORPORATION,KUMBALA P.O.,KASARAGODE TALUK,
(REP;BY HIS GENERAL POWER OF ATTORNEY
SRI.M.K.SASHIDHARA, S/O.KUNHAMBU,RESIDING AT
MAIPPADY,SHIRIBAGILU VILLLAGE, MAIPPADY P.O.,
KASARAGODE TALUK).

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: ACCUSED & STATE

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1. VANITHA A., D/O.KUNHANNA RAI,
ADKATHOTTI HOUSE,PUTHIGE P.O.,KUMBALA VIA.,
KASARAGODE.

2. STATE OF KERALA, REP; BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SMT.R.PADMAKUMARI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.493 of 2002

Dated this the 25th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act which stands dismissed as the complainant was not present.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 30.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl